

## A TRIAL FOR TREASON

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Last Tuesday, in the Supreme Court, Mr. Justice Harris presiding, before a jury of native Hawaiians, a native named John P. Zephyria Kahoalii, was tried for the crime of treason. The Attorney General appeared for the Crown, and the prisoner was defended by Mr. Kaula, who is District Justice for Waimea, on the Island of Kauai, and Mr. J. Porter Green. The evidence was brief, and consisted almost wholly of a memorial purporting to be addressed to the Consul-Commissioner of France, written by the prisoner and by him caused to be circulated for signature.

among the natives. It never reached the proposed destination, have been seized by the Police, in the house of one of their own body, and by whose direction several hundred fictitious names had been affixed to it. The prisoner had requested the man to procure a thousand names. The conception and execution of the document were folly in the extreme, but the matter contained was none the less criminal and mischievous. It appears that from the first writing of the memorial to the signing of its seizure by the Police, not more than a day elapsed. The intention of the accused, was plainly enough manifested by his acts, which came within the provisions of the 6th Chapter of the Penal Code, the first Section of which reads as follows:—  
“Treason is hereby defined to be any plotting or

“The jury in this case were absent from the Court room but twenty minutes, returning a unanimous verdict of guilty as charged. The punishment is prescribed in Section 2 of the Chapter referred to, in the following words:

“Whoever shall commit the crime of treason, shall suffer the punishment of death; and all his property shall be confiscated to the Government.”

But the King, by and with the advice of His Privy Council, has the power, under the Constitution, to grant reprieves and pardons, after conviction, for all offences, except in cases of impeachment.

As a matter of interest to our readers, and as a

literary curiosity, we append the translation of the memorial in question.

To the *Commissiõnner of the Government of France of the Court of the Hawaiian Islands* :

" Sir—We, the people of Honolulu, Oahu, Hawaiian Islands, whose names are herewith subscribed.

" Whereas, your government, through you have known of the election of D. Kalakaua as King, of the Hawaiian Islands, ask of you that you make haste and inform your government that we reject D. Kalakaua. And further inform your government of our choice of Queen Emma Kialeloana as the sole and lawful Queen of the Hawaiian Islands. For you are aware that we have elected her to the action of the Special Session of the Legislature of February 12th. A. D. 1874, in respect to the choice of King, by the shedding of the blood of the Representatives of the people, and the destruction of government property on that day.

" Therefore shall be set aside and utterly revoked the election of King on the 12th day of February

It may be concluded with any of the Great Powers, shall become utterly void, for the undermentioned reasons:

1st Reason.—There is now enacted the will of His Majesty W. C. Lunalilo, wherein he devised the government unto Emma Kaleleoni, as proved by witnesses. And he recovered sufficiently, his weakness increased until his death, whereby he was prevented from so signing.

2d Reason.—The present King (D. Kalakaua) came to the throne in 1874, and against the Queen Emma Kaleleoni, the heir to the government by the will of the deceased King Lunalilo, and she was chosen and desired by the people from Hawaii.

3d Reason.—Previous to the election by the Legislature, W. L. Mookuna strongly urged the Representatives to vote for D. Kalakaua only, and the Representatives by the majority of the Representatives consented to do so.

4th Reason.—The Hon. Thomas Martin demanded of the Representatives that they swear

For D. Kalakaua, and the majority of the Representatives did so swear."

5th Reason—At Honolulu, Oahu, Feb. 11, 1874, Queen Emma Kalanikouali'i was voted for and received 391 ballots.

6th Reason—Before the Assembly met for the election of King, one of the Committee of the Privileges and Immunities of the Assembly, stating that the people of Honolulu had chosen the Queen to the number of 391. Said petition requesting the Assembly to postpone the election of King, and the Representatives refused to refer the same to their constituents for their consideration, and the Legislature heeded this, there would have been no riot. This petition was placed in the hands of W. C. Parks, the Marshal of the Hawaiian Islands, and he used the same to stir up the passions of the people of Honolulu. It is not known whether or no it was read.

7th Reason—When the people saw that they had elected Queen Emma Kalanikouali'i, and been elected, that the Representatives had disobeyed the voice of the nation, having received ballots, then it

“8th Reason—D. Kalakaua is not the rightful King. Therefore we grieve for the broken peace, and the loss of our independence. Because, this King has caused the loss of our independence, and cause great disturbances in the future. For this false King (D. Kalakaua) is very desirous of mortgaging the government to some foreign nation, and he has sent a message to perhaps several millions, and has sent a message requesting the Legislature to make a law empowering the Ministers to borrow one million of dollars; but this money, the Legislature will not give him; he will contract a loan of 327 millions, on the 1st day of July, 1874, and now before the House.

“9th Reason—The true Sovereign to-day is the Queen Emma; she is the true Sovereign, and is appointed by will of King Lunalilo and chosen by the nation—Emma Kaleleonalani. Therefore we do hereby declare that she is the Sovereign of the Kingdom of Hawaii, and ruling ground;

“Queen Emma Kaleleonalani is the nearest relative of the Line of Kamamehameha.

"2. She was wife to Kamahameha IV.  
"3. She was heir of Kamehameha's Government.  
"4. She was chosen by her nation as the proper person to sit on the Throne.  
"5. She is amiable and good, and suited to the people.  
"Therefore, we ask of you to regard this, to consider it carefully, and graciously hear our communication.  
"We request of you to assist us, to assist this nation in securing our independence, and that you grant this nation the assistance of *one of your vessels* to maintain the peace. For there are some foreigners here who have tried and are very anxious to force should be the peace of this nation, in order that we may lose our independence."  
"We have no intention whatever in this to interfere with any foreign living here, and there are people who it is plain are friends of this nation by their frequent attempts to create disturbances in the nation. The foreigners living here know this nation. D. Kalaakau when Kamehameha marched to that place, he said:

Luanihilo, and the foreigners were balked. But we are determined to baulk and circumvent the dishonest designs of foreigners here, and their frequent endeavours to injure our people.

"And we declare that the Sovereign we have chosen is Emma Kalialeonalani. Therefore, if you shall deal with us graciously, and with our independence, we will be true to our King, Kalialeonalani on the Throne of the Hawaiian Islands, this gracious act on your part towards Her Majesty and her independent government, will be gratefully received by our people, and for the honor, and of the friendship between Her Majesty's Government and your own.

"And for the truth of the foregoing, we individually and collectively guarantee, this 16th day of July, in the year of our Lord 1842.

Respectfully, your most obedient servants,  
JOHN P. ZEUTHEN KAHOAII."

The Intelligence from LOUISIANA indicates that the floods have disappeared, and that the well directed benevolence of the country has been so

estimony to this, and says besides that the injury to the crops will not be so serious as at first supposed. Although the overflow caused quite diminution of the acreage planted with sugar cane, yet there will be actually more sugar grown in Louisiana this year than during any season since the close of the war. The great recuperative powers of the South has shown since the end of the rebellion thus rise superior to the distressing consequences of the severest overflow the Mississippi has ever known.